IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 172 OF 2007

Shri Sarjerao Marutrao Bobade. ..Appellant.

V/s.

Shri Vithal S. Kakade & Anr. ..Respondents.

Mr.R.G.Jagtap for appellant.

CORAM: A.M.KHANWILKAR,J

DATE : JULY 9, 2007.

P.C. :

1. Heard counsel for the appellant.

2. The argument canvassed before this Court is that although the appeal is directed against the concurrent finding of fact, the Courts below have completely misconstrued the document at Exh. 49 in question. It is submitted that question o interpretation of document will arise.

3. I am not impressed by the argument canvassed on behalf of the appellant having regard to the well reasoned judgments of both the Courts below. Both the Courts below have considered all the relevant aspects of the matter including the efficacy of documents. It is found in clear terms that the

appellant was to execute document in the name of respondent No.1 after repayment of the amount of Rs.600/- to him. On this finding, nothing more is required to be considered as it would be obviously a case of mortgage and not a sale. No substantial question of law arises for consideration. Hence dismissed.